

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KIMBERLY K. REDWINE,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of Social Security Administration,

Defendant.

**8:10CV286**

**MEMORANDUM AND ORDER**

This matter is before the court on plaintiff's amended motion for attorney fees, Filing No. [29](#), pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#). The court previously found the plaintiff is entitled to benefits. Filing No. [23](#).

Defendant filed a response to this motion. Filing No. [31](#). Defendant agrees that plaintiff is entitled to the fees in the amount of \$6,080.00, representing 35.25 hours of attorney work at \$172.50 per hour. Additionally, the defendant agrees that the plaintiff is entitled to the \$350.00 filing fee, although reimbursement should be made from the Judgment Fund rather than from the EAJA fund. See [28 U.S.C. §§ 1920\(1\)](#) and [2412\(a\)](#), (c)(1) and (2). The Commissioner pays for fees and expenses, but the costs are paid from the Judgment Fund administered by the Department of Treasury. See [31 U.S.C. § 1304](#). Further, the defendant asks that the fee be made payable to the plaintiff pursuant to [Astrue v. Ratliff](#), [130 S. Ct. 2521 \(2010\)](#), and that it be subject to any offset to satisfy any pre-existing debt the litigant might owe the United States.

The court finds plaintiff is a prevailing party within the meaning of [28 U.S.C. § 2412](#). The court has carefully reviewed the evidence in support of plaintiff's motion. Filing No. [29](#), Attachments. The court determines that the evidence substantiates the

claim for attorney fees, that the number of hours is reasonable, that the hourly rate is reasonable, and that such amount is justified by the results in this case.

THEREFORE, IT IS ORDERED:

1. Plaintiff's amended motion for attorney fees, Filing No. [29](#), is granted.
2. Plaintiff is awarded attorney fees in the amount of \$6,080.00, less any offset to satisfy any pre-existing debt the litigant might owe the United States.
3. The attorney fee in the amount of \$6,080.00 shall be paid directly to the plaintiff.
4. Plaintiff is awarded costs in the amount of \$350.00 for the filing fee, payable out of the Department of Treasury Judgment Fund.

Dated this 16<sup>th</sup> day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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